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Tennessee Public Acts 2001: Summaries of Interest to Municipal Officials

Dennis Huffer

Municipal Technical Advisory Service

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Tennessee Public Acts 2001

Summaries of Interest to Municipal Officials

Compiled by Dennis Huffer



MTAS

**MUNICIPAL TECHNICAL
ADVISORY SERVICE**

A statewide agency of
The University of Tennessee's
Institute for Public Service
in cooperation with the
Tennessee Municipal League

The Municipal Technical Advisory Service (MTAS) was created in 1949 by the state legislature to enhance the quality of government in Tennessee municipalities. An agency of The University of Tennessee's Institute for Public Service, MTAS works in cooperation with the Tennessee Municipal League and affiliated organizations to assist municipal officials.

By sharing information, responding to client requests, and anticipating the ever-changing municipal government environment, MTAS promotes better local government and helps cities develop and sustain effective management and leadership.

MTAS offers assistance in areas such as accounting and finance, administration and personnel, fire, public works, law, ordinance codification, communications, and wastewater management. MTAS houses a comprehensive library and publishes scores of documents annually.

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WARNING

Users of this publication are cautioned that much judgment is involved in determining which Public Acts to summarize and how to summarize them. Before taking action or giving advice based upon any Public Act summarized here, one should consult the act itself and not rely on the summary.

Alcoholic Beverages

Chapter No. 64 (SB1477/HB1207). Serving alcoholic beverages at certain speedway. Amends T.C.A. §§ 57-4-101 and 102 to allow alcoholic beverages to be served on the premises of a speedway in Wilson County.

Amends T.C.A. § 57-4-301(b)(i) to require the speedway to pay an annual state tax of \$1,000, thereby allowing the county and municipality, if the speedway is located in a municipality, to levy a similar tax.

Effective date: April 11, 2001

Chapter No. 84 (SB1858/HB1855). Serving of alcoholic beverages by paddlewheel steamboat company. Amends T.C.A. §§ 57-4-101 and 102 to allow paddlewheel steamboats to serve alcoholic beverages on the boat for consumption on the premises as long as the boat is not docked in a local government that prohibits their sale.

Amends T.C.A. § 57-4-301 to allow paddlewheel steamboat companies to pay only a state tax of \$750 annually.

Effective date: April 11, 2001

Chapter No. 112 (SB1775/HB1784). Bed and breakfast establishments and hotels. Amends T.C.A. § 57-4-102(14)(f)(i) to require bed and breakfast establishments to have two rooms for sleeping accommodations, rather than six, to be eligible to serve alcoholic beverages for consumption on the premises.

Further amends T.C.A. § 57-4-102(14)(f) to define an establishment with 40 guest rooms in Blount County as a “hotel” for purposes of serving alcoholic beverages for consumption on the premises.

Effective date: April 18, 2001

Chapter No. 310 (SB1627/HB1350). Sales to person under 21. Amends T.C.A. § 57-4-203(b)(1) to make it a Class A misdemeanor for licensees for the sale of liquor-by-the-drink and their employees to sell liquor to persons under 21 years of age.

Effective date: July 1, 2001

Chapter No. 345 (SB193/HB227). Firearms illegal where beer or intoxicating liquor served for on-premises consumption. Amends T.C.A. § 39-17-1305(a) to clarify that it is a Class A misdemeanor for persons to possess a firearm where beer or intoxicating liquor is served for on-premises consumption.

Effective date: July 1, 2001

Animals

Chapter No.70 (SB194/HB792). Non-livestock Animal Humane Death Act enacted. Amends T.C.A. Title 44, Chapter 17, part 3, to enact the Non-livestock Animal Humane Death Act. This act applies to both public and private animal shelters. It allows use only of sodium pentobarbital and other agents approved by the board of veterinary medicine for euthanasia. Requires that a lethal solution for euthanasia be used in the following order of preference:

1. Intravenous injection by hypodermic needle.
2. Intraperitoneal injection by hypodermic needle.
3. Intracardial injection by hypodermic needle, but only on sedated, anesthetized, or comatose animals.
4. Solution or powder added to food.

This act prohibits the use of succinylcholine chloride, curare, curariform mixtures, strychnine, nicotine, chloral hydrate, magnesium, potassium, any substance that acts as a neuromuscular blocking agent, or any chamber that causes a change in body oxygen for euthanasia.

Euthanasia must be performed by a veterinarian, a veterinary medical technician, or an employee of the shelter who has completed a euthanasia technician certification course.

Employees who performed euthanasia before July 1, 2001, and who previously passed a certification course will be accepted as qualified under this act. Others must be certified before performing euthanasia.

This act prohibits an animal from being left unattended from the time euthanasia procedure is begun and when death occurs. The body may not be disposed of until death is confirmed by a qualified person.

In emergency situations where immediate euthanasia is required, a veterinarian, a law enforcement officer, or an agent of a local animal control unit may humanely destroy the animal.

The Attorney General may seek an injunction to prohibit violation of this act. A violation is a Class A misdemeanor. This act does not apply to exotic animals.

“Non-livestock animal” means an animal normally kept in or near the household of the owner, including rabbits, chickens, ducks, and pot-bellied pigs.

Effective date: July 1, 2001

Boards, Commissions & Authorities

(See also Emergency Services)

Chapter No. 33 (SB1512/HB1304). Local government representation on collateral pool board. Amends T.C.A. § 9-4-506(a)(6) to provide that the local government representative on the state collateral pool board serves a two-year term and will rotate among nominations made by TML, the Tennessee County Services Association (TCSA), and the County Officials Association of Tennessee (COAT). The present representative nominated by TCSA will serve until June 30, 2001. This person will be replaced by a person chosen from a list of three submitted by TML. The County Officials Association will submit the names of the next nominees, then TCSA. The list of nominees must be submitted at least 30 days before expiration of the local government representative's term.

This act also amends T.C.A. § 9-4-521 to abolish the Security for Public Deposits Task Force.

The secretary of the collateral pool board must notify TML, TCSA, and COAT of meetings and send them materials. The executive directors of these organizations may designate other individuals to receive notices and materials.

Effective date: March 30, 2001

Chapter No. 125 (SB1581/HB1291). Compensation of directors of industrial development corporations. Amends T.C.A. § 7-53-301 to require IDC directors to be reimbursed for their actual expenses incurred in the performance of their duties unless otherwise authorized by local ordinance or resolution.

Effective date: April 26, 2001

Chapter No. 149 (SB458/HB1137). Emergency communications districts - - appointment of board members; authority of state board relative to financially distressed districts. Amends T.C.A. § 7-86-105 to allow the county executive to appoint board members of districts created by the county, subject to confirmation by the county legislative body.

Amends T.C.A. § 7-86-304 to allow the state emergency communications district board to set a rate structure for financially distressed districts to allow the district to produce revenues sufficient to provide for all expenses and maintenance of the district, including reserves.

Effective date: May 3, 2001

Chapter No. 223 (SB1763/HB1798). Bledsoe Regional Water Authority created. Creates the Bledsoe Regional Water Authority for the City of Pikeville and other entities in Bledsoe County. Requires approval by Bledsoe County.

Effective date: May 15, 2001

Boards, Commissions & Authorities (continued)

Chapter No. 364 (SB621/HB648). Public building authorities -- board of directors when authority contracts relative to arena for NBA team. Amends T.C.A. § 12-10-108(a) to require one state senator and one state representative whose districts lie in whole or part within the creating municipality to be appointed to the board of directors of a public building authority that contracts for the construction, maintenance, or management of an arena for an NBA team. The chief executive officer of the municipality appoints them after consultation with the speakers of the senate and house. Appointments are subject to confirmation by the governing body. Requires joint appointments for joint authorities. Appointees must be reimbursed for their actual expenses.

Effective date: June 7, 2001

Chapter No. 407 (SB893/HB1126). Public building authorities -- bidding procedures. Amends T.C.A. § 12-10-124 to require public building authorities to do competitive bids for the construction of buildings or improvements costing more than \$10,000 but less than \$1,000,000. For buildings or improvements costing \$1,000,000 or more, the authority must use competitive bids, a request for proposals with minimum required qualifications, or a request for qualifications with minimum required qualifications in which multiple proposers are selected and pre-qualified to submit bids.

This act establishes procedures for and restrictions on competitive bidding for PBA's.

Effective date: June 19, 2001

Chapter No. 421 (SB1750/HB1500). Committee on rural water supply created. Creates a special joint legislative committee to study rural water systems. The committee must file its report with the General Assembly by Feb. 1, 2003. Then it is dissolved.

Effective date: June 27, 2001

Building, Utility and Housing Codes

Chapter No. 317 (SB6/HB110). Notification to building permit applicants that property is downstream of a dam. Amends T.C.A. Title 69, Chapter 12, Part 1, to require local governments that issue building permits to inform an applicant when the proposed construction or alteration is located downstream of a dam and could be affected by the failure of the dam.

The department of environment and conservation must provide each county executive with an inventory of dams in the county. The county executive must provide it to municipalities that issue building permits. The executive officer of the municipality must provide it to the building official.

Effective date: July 1, 2001

Building, Utility and Housing Codes (continued)

Chapter No. 387 (SB667/HB147). Use of treated ash aggregate. Amends T.C.A. Title 68, Chapter 211, Part 1, to allow use of treated ash aggregate as a building material in construction or site preparation in commercial and industrial settings.

Amends T.C.A. § 68-211-103 to redefine “solid waste,” “solid waste disposal,” and “solid waste processing.”

Effective date: July 1, 2001

Business Regulation

(See also Utilities & Metropolitan Government)

Chapter No. 183 (SB403/HB517). Adult businesses. Amends T.C.A. Title 7, Chapter 51, Part 11, the Adult Oriented Establishment Registration Act.

Does the following:

- Allows the county board to adopt rules and regulations.
- Requires employer, escorts, entertainers, and operators to submit an application once this part is given local effect.
- Prohibits the board from denying an application for reasons other than those set out in this law.
- Allows a business to operate 30 days after application if there is an additional investigation after the initial one that is not the result of the actions of the applicant.
- Allows court to overturn decision of board that is clearly erroneous.
- Requires applicant to cooperate in declaratory judgement actions under the act.
- Prohibits operators, entertainers, or employees from performing, offering to perform, or permitting to be performed sexual intercourse, oral or anal copulation, or contact stimulation of the genitalia.
- Makes other housekeeping changes.

Effective date: May 10, 2001

Chapter No. 185 (SB1879/HB1458). Energy acquisition corporations - engineering services. Amends T.C.A. § 7-39-302(a)(12) to require engineering services provided by energy acquisition corporations to be in compliance with Title 62, Chapter 2.

Effective date: July 1, 2001

Chapter No. 228 (SB1407/HB1089). Mobile vendor's permits. Amends T.C.A. § 62-30-105 to give the chief of police in metropolitan counties the responsibility of enforcing the provisions of that chapter regulating transitory vendors.

Effective date: July 1, 2001

Business Regulation (continued)

Chapter No. 429 (SB1801/HB1548). Pawnbrokers - thumbprint required in Knox and Shelby Counties. Amends T.C.A. § 45-6-209 to require pawn shop operators to obtain the right thumbprint of pledgers in Knox and Shelby counties. If the right thumb is missing, the operator must take the print of the left thumb or another finger. Prints must be maintained for five years.

This act establishes procedures law enforcement officers must use to subpoena thumbprints.

This act prohibits law enforcement officers and agencies from using thumbprints for racial profiling. Violation may result in injunctions from requesting thumbprint subpoenas.

Prohibits disclosure of name, address, and identification numbers for firearm transactions and prohibits law enforcement officers from taking or recording them except pursuant to a subpoena. Makes it a Class A misdemeanor to use pawnbroker information to create a registry of persons who own firearms.

Effective date: July 1, 2001

City Courts

Chapter No. 362 (SB1418/HB409). Uniform civil warrant. Amends T.C.A. § 16-15-5012 to require the administrative office of the courts to issue a uniform general sessions civil warrant for use by all courts exercising general sessions jurisdiction. The uniform warrant must be used by all these courts except those using warrants that contain substantially the same information but for which information is collected by the administrative office of the courts electronically.

Effective date: July 1, 2001

Chapter No. 408 (SB1505/HB1527). Reports to administrative office of the courts. Amends T.C.A. Title 16, Chapter 1, to require all municipal courts with general sessions jurisdiction to report data to the administrative office of the courts on all criminal and civil cases. Caseload data must be reported once a month and must show all cases filed and disposed of in a month by the 15th of the following month. Reports must be made beginning on or before July 1, 2003. This act requires computer systems to provide comparable data.

Effective date: June 19, 2001

Chapter No. 454 (SB1475/HB1283). Property tax deferral; application of litigation tax. Amends T.C.A. §§ 7-64-103 and 7-64-212 to require applications for property tax deferral to be made on or before March 1 unless the county or municipality has fixed a later date by resolution.

Amends T.C.A. §§ 7-64-106 and 7-64-208 to require the state Board of Equalization to hear appeals if the board receives notice within 45 days of the date written notice is sent of the action subject to appeal.

City Courts (continued)

Amends T.C.A. § 67-4-602 to provide that the litigation tax applies “on all criminal charges, upon conviction or by order.” Also provides that the litigation tax is in addition to the privilege tax provided for general sessions courts if the city court is exercising concurrent criminal jurisdiction.

Amends T.C.A. § 67-4-602(b) to provide that the \$20 tax enacted there applies in city courts exercising general sessions jurisdiction.

Effective date: July 24, 2001

Civil Procedure

Chapter No. 276 (SB1483/HB898). Eminent domain – damages in accidental takings.

Amends T.C.A. Title 29, Chapter 16, Part 1, to allow the appraisal value of property divided by the appraisal ratio to be admissible into evidence to determine the value of land to which substantial

property damage has been negligently inflicted by a governmental entity when the property owner had no prior knowledge that damages would occur and does not have a reasonably current appraisal preexisting the property damage.

Effective date: May 22, 2001

Chapter No. 367 (SB261/HB779). False Claims Act enacted. Makes any person who makes a false or fraudulent claim against the state or any political subdivision liable for three times the amount of damages. The person is also liable for court costs of a civil action to recover these damages and for a civil penalty of not less than \$2,500 nor more than \$10,000. The act allows lesser penalties for persons who voluntarily cooperate in an investigation.

This act allows suits to be brought by private persons as well as the attorney general. The attorney general, or local prosecutor in cases involving local government funds, may prosecute the case or allow the qui tam plaintiff, or private person, to proceed.

This act prohibits employers from taking action against employees for disclosing information to a government or law enforcement agency about false claims.

Effective date: July 1, 2001

Contracts

Chapter No. 72 (SB376/HB387). Uniform Electronic Transactions Act enacted Provides that records, signatures, and contracts may not be denied legal effect or enforceability solely because they are in electronic form. This act applies only to parties who have agreed to conduct transactions in electronic form.

Contracts (continued)

Sections 17-19 of this act repeat provisions adopted in Chapter No. 841 from last year and codified in Title 5, Chapter 24, Part 1. Section 18 gives the information systems council more authority relating to uniformity and control of electronic records.

Effective date: July 1, 2001

Chapter No. 367 (SB261/HB779). False Claims Act enacted. Makes any person who makes a false or fraudulent claim against the state or any political subdivision liable for three times the amount of damages. The person is also liable for court costs of a civil action to recover these damages and for a civil penalty of not less than \$2,500 nor more than \$10,000. The act allows lesser penalties for persons who voluntarily cooperate in an investigation.

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This act prohibits employers from taking action against employees for disclosing information to a government or law enforcement agency about false claims.

Effective date: July 1, 2001

Crimes & Criminal Procedure

(See also Law Enforcement and Motor Vehicles & Traffic)

Chapter No. 26 (SB550/HB302). Harassment by e-mail. Amends T.C.A. § 39-17-308 (a)(1) to include e-mail messages and internet services that knowingly alarm or annoy the recipient within the offense of harassment.

Effective date: Jan. 1, 2002

Chapter No. 375 (SB812/HB1095). Explosive weapons and hoax devices. Amends T.C.A. §§ 39-17-1301 and 1302 to expand the definition of explosive devices to include breakable containers containing inflammable liquid with a wick for ignition and sealed devices containing dry ice or other reactive chemicals that could explode. Defines hoax device as one that reasonably appears to be explosive or incendiary. Makes the possession, manufacture, transport, repair, or sale of hoax devices a Class A misdemeanor.

Effective date: July 1, 2001

Disabled Persons

Chapter No. 169 (SB729/HB553). Public housing and leases by disabled persons. Provides that a physically disabled person may break a lease on the person's primary residence with impunity if he or she is accepted as a resident of public housing, unless the landlord has made the residence handicapped accessible.

Effective date: July 1, 2001

Education & Schools

Chapter No. 32 (SB462/HB873). Transactions with public building authorities for school purposes – resolution, notice, and election requirements eliminated. Amends T.C.A. § 12-10-115 to provide that municipalities entering into a lease, loan agreement, sales contract, or operating contract for school purposes with a public building authority need not comply with the resolution, notice, and election provisions in T.C.A. §§ 9-21-205 through 9-21-212.

Effective date: March 30, 2001

Chapter No. 44 (SB215/HB163). Reports on conflict resolution programs in schools. Amends T.C.A. § 49-2-118(b) to require reports from five LEA's, rather than five schools, in each grand division on conflict resolution programs in grades one and two. LEA's required to report will be picked randomly by the commissioner of education.

Effective date: July 1, 2001

Chapter No. 73 (SB486/HB751). School buses with or without children to stop at railroad crossings. Amends T.C.A. § 55-8-147(a) to require school buses to stop at railroad crossings whether or not they are carrying a school child.

Effective date: July 1, 2001

Chapter No. 131 (SB1064/HB465). Consolidation of school systems in certain county. Amends T.C.A. § 49-2-1206(a) to allow counties with a metropolitan government in which the principal city is not the county seat to adopt a consolidation plan for school systems with approval of the governing body and all affected school boards.

Effective date: April 26, 2001

Chapter No. 155 (SB1181/HB832). School board members - participation in basic health plan. Amends T.C.A. § 8-27-303(a)(3) to allow school board members to participate in the basic health insurance plan provided by the state local education insurance committee if the member applies before July 1, 2001, and pays the total premium.

Effective date: May 3, 2001

Education & Schools (continued)

Chapter No. 181 (SB315/HB996). **Operating policies in electronic format.** Amends T.C.A. § 49-2-207(c) to provide that local board of education policies kept in electronic format satisfy the requirement of that subsection that board operation policy pamphlets be kept in each school library.

Effective date: July 1, 2001

Chapter No. 191 (SB1093/HB577). **Diplomas for deceased veterans.** Amends T.C.A. § 49-2-119 to allow local education agencies to issue high school diplomas to eligible deceased veterans of World Wars I or II upon the request of the veteran's family.

Effective date: May 10, 2001

Chapter No. 196 (SB1302/HB903). **Hazing policy required.** Amends T.C.A. Title 49, Chapter 2, Part 1, to require LEA's to adopt a written policy prohibiting hazing. The policy must be made available to each student each year and time set aside the first month of each school year to discuss the policy.

Effective date: July 1, 2001

Chapter No. 197 (SB1057/HB1040). **Suspension of teachers for drug offenses.** Amends T.C.A. § 49-5-511(c)(1) to require the immediate suspension and dismissal of teachers convicted of drug offenses.

Effective date: July 1, 2001

Chapter No. 212 (SB304/HB704). **Eye and dental screening.** Amends T.C.A. Title 49, Chapter 6, Part 50, to encourage public schools to apprise parents of the health benefits of appropriate eye and dental care for children.

Effective date: July 1, 2001

Chapter No. 227 (SB1090/HB1039). **Duty-free planning periods.** Amends T.C.A. § 49-1-302(e) to require the state Board of Education to adopt rules providing for duty-free periods for K-12 teachers. LEA's must make annual reports on compliance. Two and one-half hours of duty-free time must be provided each week. The school day may continue to be extended for 30 minutes by those districts doing this to comply with these regulations.

Effective date: July 1, 2001

Chapter No. 229 (SB1267/HB1177). **Personal finance textbooks.** Amends T.C.A. Title 49, Chapter 6, Part 10, to encourage LEA's to select economics and similar textbooks that cover personal finances.

Effective date: July 1, 2001

Education & Schools (continued)

Chapter No. 243 (SB188/HB1127). Delivery of tests scores. Amends T.C.A. § 49-1-606 to require the state department of education to provide raw test scores to local education agencies by June 30.

Effective date: July 1, 2001

Chapter No. 269 (SB412/HB389). Written policy on director of schools candidates required Amends T.C.A. § 49-2-203(a)(15) to require each school board to adopt a written policy on the method of accepting applications and interviewing candidates for director of schools.

Effective date: May 22, 2001

Chapter No. 270 (SB1458/HB581). Hiring or firing director of schools in proximity to school board election. Amends T.C.A. § 49-2-203(a)(15)(A) to prohibit school boards from terminating without cause or hiring a director of schools from 45 days before until 30 days after the school board election. Vacancies that occur in this period may be filled temporarily not exceeding 60 days after the election. Options to renew contracts may be exercised during this period.

Effective date: May 22, 2001

Chapter No. 271 (SB906/HB604). Electronic textbooks allowed. Amends T.C.A. §§ 49-6-2202 and 2207 to allow local boards to furnish electronic textbooks to students. Electronic textbooks must be free of charge. The board must provide reasonable access to students and teachers.

Effective date: July 1, 2002

Chapter No. 284 (SB1649/HB1372). Tennessee Foundation Program replaced with Basic Education Programs funding formula. Amends T.C.A. Title 49, Chapter 3, Part 3, to remove obsolete references to the Tennessee Foundation Program in provisions relative to pay and pay supplements, transportation services, textbooks, substitute teachers, and distribution of state funds.

Effective date: May 22, 2001

Chapter No. 306 (SB346/HB1679). Use of BEP funds to increase salaries of non-licensed personnel. Amends T.C.A. § 49-3-306(5)(A)(v) to clarify that BEP funds for salaries for non-licensed personnel may be used to increase salaries for those currently employed except where the funds are designated for new positions. This applies when the LEA meets class size requirements.

Effective date: July 1, 2001

Chapter No. 335 (SB1743/HB1672). Elective credits through non-profit organizations. Amends T.C.A. Title 49, Chapter 6, Part 12, to authorize local education agencies to offer elective and technical credits through cooperative agreements with non-profit organizations. These agreements may not directly result in the elimination of existing courses. This act establishes terms and conditions for making these agreements.

Effective date: June 5, 2001

Education & Schools (continued)

Chapter No. 343 (SB1881/HB1921). Education Reform Act of 2001 enacted. Amends T.C.A. Title 49 to enact the Education Reform Act of 2001, which includes the Governor's reading initiative. K-8 instruction must include reading instruction, including reading diagnostics. Each LEA must assess individual reading development and help students according to their individual needs. The LEA must notify parents and report on students less than proficient and on improvement plans.

Provides for one reading coordinator for each 400 students beginning July 1, 2003. Provides for grants for reading teachers when there are severe reading deficiencies in individual schools. The state pays all costs for the reading teacher program in the first two years. After that, the LEA will have to pay 25 percent adjusted for fiscal capacity according to the BEP formula.

This act also requires intervention programs in 7th and 8th grades for students who might fail to meet graduation requirements.

Allows probation for schools or systems that fail to make adequate progress in meeting state rules. Requires preschool classes if an LEA identifies 15 or more eligible children at least four years of age before

September 30 beginning in 2005-6. The LEA must notify parents of the availability of the class. Requires early childhood education programs beginning July 1, 2007. Requires one family resource center in each county beginning in 2002-3. LEA's may cooperate in providing these.

Creates a teacher-mentoring program and allows grants to LEA's for this purpose.

Creates a teaching scholars program and a second career program.

This act is subject to appropriation of funds.

Effective date: June 5, 2001

Chapter No. 374 (SB733/HB1599). Standards for individualized education plan programs. Amends T.C.A. § 49-1-104(b) to require the state board of education to set class size and case load standards for teachers in individual education plans by Feb. 1, 2002. These standards will take effect in the 2002-3 academic year. This act is subject to funding.

Effective date: June 12, 2001

Chapter No. 457 (SB589/HB376). Sharing of loan proceeds from public building authorities. Amends T.C.A. § 12-10-115 to require counties receiving proceeds from a lease, loan agreement, sales contract or operating contract with a public building authority for school capital outlay purposes to share those proceeds with city school systems in the county just as capital outlay note proceeds are shared. Proceeds need not be shared by the county until they are received.

This act does not apply in Shelby County.

Effective date: July 24, 2001

Elections

(See also Uniform City Manager-Commission Charter)

Chapter No. 1 (SB5/HB108). Eligibility to run for commissioner. Amends T.C.A. § 6-20-103, part of the Uniform City Manager-Commission Charter, to provide that a person who is eligible to vote in city elections solely by non-resident ownership of property is not eligible for election as a commissioner.

Effective date: Feb. 20, 2001

Chapter No. 111 (SB1767/HB1506). Non-resident property owners - voting. Amends T.C.A. § 6-53-102 to allow non-resident property owners to vote in municipal elections in a municipality with a population of 340 to 350 located in a county with a population of 20,000 to 20,300 according to the 1990 or subsequent censuses. Requires referendum approval.

Effective date: April 18, 2001

Chapter No. 199 (SB818/HB1200). Filing nominating petitions. Amends T.C.A. § 2-5-101(a)(3) to require candidates in municipal elections held with the regular August election to file their nominating petitions by 12 noon on the first Thursday in April. Candidates in other municipal elections must file their petitions by 12 noon on the third Thursday in the third calendar month before the election.

Effective date: July 1, 2001

Chapter No. 384 (SB186/HB1843). Disposition of unexpended campaign balances of deceased incumbents or candidates. Amends T.C.A. § 2-10-114 to provide that unexpended campaign balances of deceased incumbents must be transferred to spouse or child if the spouse or child is appointed to serve the unexpired term. If a candidate dies with an unexpended balance, the funds are transferred to the campaign treasurer or to the surviving spouse if the candidate was the treasurer. If neither of these apply, the funds must be transferred to the next of kin.

Effective date: June 12, 2001

Chapter No. 413 (SB1487/HB1844). Notice of elections; change of term; property rights voting. Amends T.C.A. § 6-53-101 (a) to require 120 days notice, rather than 90, for municipal elections.

Amends T.C.A. § 6-53-101 to require municipalities that have changed the terms of office of an elected official to file a certified copy of the ordinance changing the term with the county election commission at least seven days before the deadline for filing the notice of election.

Amends T.C.A. § 2-2-107 to provide that if a municipal charter provides for property rights voting, a person must own at least a 50 percent fee simple interest in real property within the city limits at the time of registration and election to be eligible to vote.

Effective date: July 1, 2001

Emergency Services

(See also Boards, Commissions & Authorities)

Chapter No. 3 (SB201/HB284). Domestic violence training for police officers, firefighters, and emergency services personnel. Amends T.C.A. § 38-8-112; Title 4, Chapter 24, Part 1; and Title 68, Chapter 140, Part 5, to require domestic violence training for police officers, firefighters, and emergency service personnel.

Effective date: March 15, 2001

Chapter No. 29 (SB1793/HB1158). Emergency services at major scheduled public events.

Amends T.C.A. §§ 68-140-506 (h) and 68-140-516 to allow emergency medical service providers registered in other jurisdictions to provide emergency medical services at “major public events” in

Tennessee at the request of a municipality or county. A “major public event” is one with anticipated attendance of 100,000 or more persons or 2/3 of the population of the county in which the event is held, whichever is greater. The service provider may not be called upon by the municipality or county

more than four times in a calendar year to be exempt from registration in Tennessee. Employees of the foreign service provider are deemed licensed for the duration of the event.

Effective date: March 22, 2001;

Automatically repealed Dec.31, 2001

Chapter No. 149 (SB458/HB1137). Emergency communications districts - appointment of board members; authority of state board relative to financially distressed districts. Amends T.C.A. § 7-86-105 to allow the county executive to appoint board members of districts created by the county, subject to confirmation by the county legislative body.

Amends T.C.A. § 7-86-304 to allow the state emergency communications district board to set a rate structure for financially distressed districts to allow the district to produce revenues sufficient to provide for all expenses and maintenance of the district, including reserves.

Effective date: May 3, 2001

Chapter No. 263 (SB1841/HB1891). Local Government Emergency Assistance Act of 1987 re-enacted. Re-enacts the Local Government Emergency Assistance Act of 1987. This act places these provisions in T.C.A. § 58-2-111(c), but they might be codified elsewhere.

Section 3 of this act ratifies actions of local governments done since July 1, 2000, in reliance on the Local Government Emergency Assistance Act of 1987. Continues existing local policies.

Amends T.C.A. § 58-2-112 to remove the requirement that copies of mutual aid agreements be sent to the Tennessee Emergency Management Agency.

Effective date: May 22, 2001

Emergency Services (continued)

Chapter No. 419 (SB1013/HB1555). Personal immunity restored for paramedics and emergency medical technicians. Amends T.C.A. § 29-20-310(b) and (c) to define “health care practitioner” as including only doctors and nurses. The effect of this is to restore personal immunity from liability for EMT’s, paramedics, and others who might have been considered health care practitioners.

Effective date: June 27, 2001

Eminent Domain

Chapter No. 276 (SB1483/HB898). Eminent domain – damages in accidental takings. Amends T.C.A. Title 29, Chapter 16, Part 1, to allow the appraisal value of property divided by the appraisal ratio to be admissible into evidence to determine the value of land to which substantial property damage has been negligently inflicted by a governmental entity when the property owner had no prior knowledge that damages would occur and does not have a reasonably current appraisal preexisting the property damage.

Effective date: May 22, 2001

Environment

Chapter No. 387 (SB667/HB147). Use of treated ash aggregate. Amends T.C.A. Title 68, Chapter 211, Part 1, to allow use of treated ash aggregate as a building material in construction or site preparation in commercial and industrial settings.

Amends T.C.A. § 68-211-103 to redefine “solid waste,” “solid waste disposal,” and “solid waste processing.”

Effective date: July 1, 2001

Chapter No. 449 (SB1889/HB1916). Brownfield redevelopment. Amends T.C.A. Title 68, Chapter 212, Part 2, to create a voluntary brownfield redevelopment program. Voluntary agreements must address public notice and input. All agreements are subject to local zoning and land use regulations.

The commissioner may limit the liability of parties making a voluntary agreement. This liability protection may be extended to successors.

If the commissioner determines that land use restrictions are an appropriate remedy, a notice of land use restrictions must be mailed to all local governments having jurisdiction.

Allows land use restrictions to be made less stringent or cancelled after public notice and public input. Notices of changes must be mailed to all local governments having jurisdiction. Land use restrictions may be enforced by local governments.

Environment (continued)

Allows commissioner to make grants and loans to local governments from federal and state funds for cleanup of disposal sites or brownfields.

Includes brownfield projects within those that may be undertaken by Industrial Development Corporations. Allows use of tax increment financing for brownfield projects.

Effective date: July 18, 2001

Finance

(See also Contracts and Taxes)

Chapter No. 28 (SB1333/HB1528). Requirement that bonds state tax exempt status removed. Amends T.C.A. §§ 67-5-205(a)(1), (2), and (3); 49-9-103 (b)(6); and 7-82-105 to remove the requirement that bonds issued by municipalities, counties, the state, and utility districts state on their face that they are tax exempt.

Effective date: July 1, 2001

Chapter No. 32 (SB462/HB873). Transactions with public building authorities for school purposes---resolution, notice, and election requirements eliminated. Amends T.C.A. § 12-10-115 to provide that municipalities entering into a lease, loan agreement, sales contract, or operating contract for school purposes with a public building authority need not comply with the resolution, notice, and election provisions in T.C.A. §§ 9-21-205 through 9-21-212.

Effective date: March 30, 2001

Chapter No. 33 (SB1512/HB1304). Local government representation on collateral pool board. Amends T.C.A. § 9-4-506(a)(6) to provide that the local government representative on the state collateral pool board serves a two-year term and will rotate among nominations made by TML, the Tennessee County Services Association (TCSA), and the County Officials Association of Tennessee (COAT). The present representative nominated by TCSA will serve until June 30, 2001. This person will be replaced by a person chosen from a list of three submitted by TML. The County Officials Association will submit the next nominees, then TCSA. The list of nominees must be submitted at least 30 days before expiration of the local government representative's term.

This act also amends T.C.A. § 9-4-521 to abolish the Security for Public Deposits Task Force.

The secretary of the collateral pool board must notify TML, TCSA, and COAT of meetings and send them materials. The executive directors of these organizations may designate other individuals to receive notices and materials.

Effective date: March 30, 2001

Finance (continued)

Chapter No. 63 (SB1332/HB1532). Charges of fees by comptroller for requested services.

Amends T.C.A. § 8-4-108 to allow the comptroller to charge administrative fees for services requested by and provided to local government. This act does not extend or limit the authority of the division of property assessments relative to taxpayer audits and reviews.

Effective date: April 11, 2001

Chapter No. 72 (SB376/HB387). Uniform Electronic Transactions Act enacted. Provides that records, signatures, and contracts may not be denied legal effect or enforceability solely because they are in electronic form. This act applies only to parties who have agreed to conduct transactions in electronic form.

Sections 17-19 of this act repeat provisions adopted in Chapter No. 841 from last year and codified in Title 5, Chapter 24, Part 1. Section 18 gives the information systems council more authority relating to uniformity and control of electronic records.

Effective date: July 1, 2001

Chapter No. 119 (SB179/HB291). Stormwater management fees. Amends T.C.A. §§ 68-221-1101 and 1102 to allow all municipalities, not just those with a population of 75,000 or more, to levy fees for the privilege of discharging stormwater. This act also allows counties to levy these fees outside municipal jurisdictions.

Effective date: April 26, 2001

Chapter No. 125 (SB1581/HB1291). Compensation of directors of industrial development corporations. Amends T.C.A. § 7-53-301 to require IDC directors to be reimbursed for their actual expenses incurred in the performance of their duties unless otherwise authorized by local ordinance or resolution.

Effective date: April 26, 2001

Chapter No. 231 (SB1228/HB1309). Abandoned property. Amends T.C.A. Title 66, Chapter 29, Part 1, to revise certain provisions on abandoned property. Amends § 66-29-129(b) to set a penalty equal to 10 percent of the value of the property for each year it is not delivered to the treasurer. The penalty cannot exceed 25 percent of the value of the property or \$50,000, whichever is less. These penalties do not apply to inadvertent omissions of property having a value less than 10 percent of total reportable property.

Effective date: May 15, 2001

Chapter No. 253 (SB1328/HB1531). Bonds and notes - interest and hedging agreements, etc. Amends T.C.A. § 7-34-109(f) and (c) relative to issuance of debt for municipal utilities to allow municipalities to make interest rate hedging agreements relative to notes as well as bonds.

Amends T.C.A. § 7-34-109(g) to allow delivery of notes as well as bonds more than 90 days but generally less than five years after execution of an agreement to do so.

Finance (continued)

Amends §§ 9-21-914(a)(2) and 9-21-1012(a)(2) to require proceeds of refunding bonds to be deposited in an institution located in Tennessee or regulated by a federal entity.

Amends other provisions relative to housing bonds and school bonds.

Effective date: July 1, 2001

Chapter No. 267 (SB176/HB289). Special assessments for flood control. Amends T.C.A. Title 7, Chapter 32, Part 1, to allow municipalities to make special assessments for flood control against owners of property in a benefited flood plain. The municipality must assess at least 2/3 of the cost not paid by federal funds to the benefited owners.

Effective date: July 1, 2001

Chapter No. 290 (SB1330/HB1529). Perfection, priority, and enforcement of public pledges and liens. Enacts the Perfection, Priority, and Enforcement of Public Pledge and Lien Act as T.C.A. Title 9, Chapter 22, Part 1. This act codifies and preserves the customary practices that have developed in Tennessee among issuers and purchasers of public obligations.

The authorized grant of a pledge or the creation of a lien on collateral by an issuer is valid and binding from the time it is granted and takes effect to the benefit of the holder of the obligation until full payment of the principal and interest. The official action granting the pledge or lien and any other instrument giving notice of the lien need not be filed or recorded.

Public obligations evidenced by multiple bonds, notes, etc., of the same issue must be equally and ratably secured without priority unless provided by official actions authorizing the obligations.

Pledges and liens granted by an issuer are junior to pledges and liens granted before the pledge or lien unless the issuer provides otherwise.

Effective date: July 1, 2001

Chapter No. 311 (SB1633/HB1356). Permit fees for public swimming pools increased.

Amends T.C.A. § 68-14-314(a) to increase the permit fees for public swimming pools to:

July, 2001	July, 2002	July, 2003
\$150.00	\$220.00	\$340.00

If a permit fee is delinquent for more than 30 days or is paid by bad check, a penalty of one-half the permit fee will be added.

Effective date: May 30, 2001

Finance (continued)

Chapter No. 344 (SB1973/HB2006). Car rental tax in Shelby County for NBA team.

Amends T.C.A. Title 67, Chapter 4, Part 19, to allow Shelby County to levy a two percent car rental tax to be used to pay bonded debt of county and a participating city for construction of an NBA arena. Requires local approval by county before Jan. 1, 2002.

Effective date: June 5, 2001

Chapter No. 348 (SB92/HB154). Credit card fees made optional. Amends T.C.A. § 9-1-108(c)(3) to allow the processing fee for credit card transactions to be waived by the governing body. This act also eliminates subdivisions (5) and (7) of § 9-1-108 (c), which required the fees to be deposited in the general fund and prohibited a credit card transaction from producing less than required by law for tax payments, etc.

Effective date: June 7, 2001

Chapter No. 365 (SB622/HB655). Break on state-shared revenue decrease for Millington.

Amends T.C.A. Title 6, Chapter 56, Part 1, to reduce the decrease in state-shared revenues accruing to a municipality that lost 35 percent or more of its population between the 1990 and 2000 federal censuses because of the closing of federal military installations or otherwise. Reductions are in increments of 25 percent of the amount these revenues would otherwise have decreased until the July 1, 2004 fiscal year, in which the decrease is fully implemented. This act does not prohibit affected municipalities from having special censuses as otherwise provided by law.

Effective date: June 7, 2001

Chapter No. 379 (SB1673/HB1396). Unemployment premium rate tables modified. Amends T.C.A. § 50-7-403 to reduce from 10 to six the number of premium rate tables for unemployment compensation insurance. Changes trigger level for increments from \$50 million to \$75 million. Eliminating some premium tables will accelerate payments to the trust fund if the fund falls below \$750 million. Otherwise, there will be no impact. The fund should remain above \$750 million through Dec. 31, 2003.

Effective date: July 1, 2001

Chapter No. 407 (SB893/HB1126). Public building authorities - bidding procedures.

Amends T.C.A. § 12-10-124 to require public building authorities to do competitive bids for the construction of buildings or improvements costing more than \$10,000 but less than \$1,000,000. For buildings or improvements costing \$1,000,000 or more, the authority must use competitive bids, a request for proposals with minimum required qualifications, or a request for qualifications with minimum required qualifications in which multiple proposers are selected and pre-qualified to submit bids.

This act establishes procedures for and restrictions on competitive bidding for PBA's.

Effective date: June 19, 2001

Finance (continued)

Chapter No. 411 (SBB1366/HB1603). Union dues check-off for firefighters. Amends T.C.A. § 7-51-204 to require municipalities with regular full-time firefighters to deduct union and association dues from paychecks when the union or association certifies that it represents 40 percent or more of those eligible. Amounts deducted must be remitted to the union within 30 days. Deductions must continue until 30 days after an employee revokes authorization in writing.

Effective date: June 20, 2001

Chapter No. 435 (SB1914/HB1943). Appropriations act. Makes appropriations to defray expenses of state government. Of particular interest to municipalities, this act makes these appropriations:

Local Parks Acquisition Fund	\$3,000,000
MTAS	\$1,446,200
Fire and Codes Enforcement Academy	\$4,702,400
Mass Transit	\$28,789,000
Firefighter Pay Supplement	Up to \$450 each
Police Pay Supplement	Up to \$600 each
Small Cities Community Development Block Grants	\$63,010,000 for 2000-2001

Effective date: July 1, 2001

Chapter No. 457 (SB589/HB376). Sharing of loan proceeds from public building authorities. Amends T.C.A. § 12-10-115 to require counties receiving proceeds from a lease, loan agreement, sales contract or operating contract with a public building authority for school capital outlay purposes to share those proceeds with city school systems in the county just as capital outlay note proceeds are shared. Proceeds need not be shared by the county until they are received.

This act does not apply in Shelby County.

Effective date: July 24, 2001

Chapter No. 464 (SB2000/HB2038). Appropriations act amended. Amends Chapter No. 435. Eliminates or reduces money appropriations. Makes several appropriations nonrecurring including police and fire supplements and \$10,000,000 of TIIPS funding.

Freezes state-shared revenue as of June 30, 2002, with all revenue growth going to state.

Effective date: Aug. 7, 2001

Firefighters

Chapter No. 3 (SB201/HB 284). Domestic violence training for police officers, firefighters, and emergency services personnel. Amends T.C.A. § 38-8-112; Title 4, Chapter 24, Part 1; and Title 68, Chapter 140, Part 5, to require domestic violence training for police officers, firefighters, and emergency service personnel.

Effective date: March 15, 2001

Chapter No. 411 (SBB1366/HB1603). Union dues check-off for firefighters. Amends T.C.A. § 7-51-204 to require municipalities with regular full-time firefighters to deduct union and association dues from paychecks when the union or association certifies that it represents 40 percent or more of those eligible. Amounts deducted must be remitted to the union within 30 days. Deductions must continue until 30 days after an employee revokes authorization in writing.

Effective date: June 20, 2001

Health & Safety

(See also Motor Vehicles & Traffic)

Chapter No. 62 (SB1671/HB1394). TOSHA citations – final order. Amends T.C.A. § 50-3-307(a) to provide that TOSHA citations become a final order of the department 20 days after receipt by the employer.

Effective date: April 4, 2001

Chapter No. 186 (SB1029/HB175). Driver education courses. Amends T.C.A. § 55-10-301 to increase allowable fee for providing driver education course from \$50 up to \$175. A municipality offering a course consents to inspection of its course records by the department of safety. County clerks must provide a list of approved courses to any person ordered to attend a driver education course.

Effective date: July 1, 2001

Chapter No. 267 (SB176/HB289). Special assessments for flood control. Amends T.C.A. Title 7, Chapter 32, Part 1, to allow municipalities to make special assessments for flood control against owners of property in a benefited flood plain. The municipality must assess at least 2/3 of the cost not paid by federal funds to the benefited owners.

Effective date: July 1, 2001

Health & Safety (continued)

Chapter No. 308 (SB965/HB1885). Penalty increased for leaving trucks with medical waste in residential areas. Amends T.C.A. § 55-8-162 to increase the penalty for leaving medical waste in trucks in residential areas, or within 1000 feet of a church, school, or park from a fine of \$2500 to \$5000 per day. In addition, the driver's license must be suspended for six months. This act applies only to hazardous materials. The act does not apply to utilities.

Effective date: July 1, 2001

Chapter No. 317 (SB6/HB110). Notification to building permit applicants that property is downstream of a dam. Amends T.C.A. Title 69, Chapter 12, Part 1, to require local governments that issue building permits to inform an applicant when the proposed construction or alteration is located downstream of a dam and could be affected by the failure of the dam.

The Department of Environment and Conservation must provide each county executive with an inventory of dams in the county. The county executive must provide it to municipalities that issue building permits. The executive officer of the municipality must provide it to the building official.

Effective date: July 1, 2001

Industrial Development

Chapter No. 339 (SB459/HB876). Payments in lieu of taxes—conditions and term limitation. Amends T.C.A. § 7-53-305(b) to require each in lieu of tax payment agreement to have a cost-benefit analysis attached as required by the commissioner of Economic and Community Development. This act also limits these agreements to 20 years, including extensions, unless both the commissioner and the comptroller have made a written determination that the agreement is in the best interest of the state. This act does not apply to agreements made before Jan. 1, 2002.

Effective date: June 5, 2001

Juveniles

Chapter No. 341 (SB732/HB830). Teen court program modified. Amends T.C.A. § 37-1-702 to allow deferred judgements through the teen court program. Also allows pre-trial diversion and makes other changes relative to teen courts. Allows local rules.

Effective date: June 5, 2001

Industrial Development (continued)

Chapter No. 401 (SB984/HB524). Release of child sexual abuse records to attorneys.

Amends T.C.A. § 37-1-612(c) to allow records of child sexual abuse to be released to an attorney or next friend for the purpose of recovering damages in a civil action.

Effective date: June 19, 2001

Chapter No. 410 (SB1419/HB525). Committee on guardians ad litem. Creates a study committee to examine issues relative to appointment of and functions performed by guardians ad litem.

Effective date: June 20, 2001;

Repealed June 19, 2002

Law Enforcement

(See also Crimes & Criminal Procedure and Motor Vehicles and Traffic)

Chapter No. 3 (SB201/HB 284). Domestic violence training for police officers, firefighters, and emergency services personnel. Amends T.C.A. § 38-8-112; Title 4, Chapter 24, Part 1; and Title 68, Chapter 140, Part 5, to require domestic violence training for police officers, firefighters, and emergency service personnel.

Effective date: March 15, 2001

Chapter No. 42 (SB133/HB183). Qualifications for police officers—equivalency degree from correspondence school. Amends T.C.A. § 38-8-106 to allow a person to qualify as a police officer who has a GED degree from a correspondence school accredited by the Distance Education and Training Council in Washington, D.C.

Effective date: April 4, 2001;

Repealed April 3, 2002

Chapter No. 96 (SB177/HB394). Domestic abuse. Amends T.C.A. § 36-3-601(9) to eliminate the requirement that a law enforcement officer must determine that a victim of domestic abuse is not a primary aggressor under § 36-3-619(c).

Effective date: July 1, 2001

Chapter No. 204 (SB1669/HB1392). Adult abuse -- access to law enforcement records.

Amends T.C.A. § 71-6-103(j) to allow authorized representatives of the department of human services investigating adult abuse access to any law enforcement records of caretakers of adults or the alleged perpetrator. If access is refused, the department may obtain a court order.

Effective date: May 10, 2001

Law Enforcement (continued)

Chapter No. 321 (SB329/HB1242). **Training on sudden infant death.** Amends T.C.A. § 68-1-1102 to require all law enforcement officers to receive training on sudden infant death cases as part of their basic and continuing training requirements. Training must include sensitivity training. This act also requires these cases to be investigated within 21 hours after notification by the medical examiner.

Effective date: July 1, 2001

Chapter No. 351 (SB983/HB817). **Reports of child abuse.** Amends T.C.A. § 37-1-406 to require persons who know or treat child abuse victims to report to the chief of police if the child resides in a municipality. Grants immunity to health care providers making reports.

Effective date: June 7, 2001

Chapter No. 359 (SB479/HB248). **Personal interest in probation entity prohibited.** Amends T.C.A. § 40-35-302 to prohibit any governmental employee and the employee's immediate family from having a direct or indirect personal interest in a private entity that provides probation supervisory services. Also prohibits the receipt of anything of value from such an entity. It is also an offense for any such entity to give or offer anything of value to a government employee or the employee's immediate family. A violation is a Class C misdemeanor.

Effective date: July 1, 2001

Chapter No. 429 (SB1801/HB1548). **Pawnbrokers -- thumbprint required in Knox and Shelby Counties.** Amends T.C.A. § 45-6-209 to require pawn shop operators to obtain the right thumbprint of pledgers in Knox and Shelby counties. If the right thumb is missing, the operator must take the print of the left thumb or another finger. Prints must be maintained for five years.

This act establishes procedures law enforcement officers must use to subpoena thumbprints.

This act prohibits law enforcement officers and agencies from using thumbprints for racial profiling. Violation may result in injunctions from requesting thumbprint subpoenas.

Prohibits disclosure of name, address, and identification numbers for firearm transactions and prohibits law enforcement officers from taking or recording them except pursuant to a subpoena. Makes it a Class A misdemeanor to use pawnbroker information to create a registry of persons who own firearms.

Effective date: July 1, 2001

Chapter No. 430 (SB221/HB1155). **Bounty hunters for bail bond providers—notice to law enforcement agency.** Amends T.C.A. § 40-11-318 to require bounty hunters for bail bond providers to provide notice to the appropriate law enforcement officer of the municipality or county where a person who has failed to appear in court will be taken into custody of:

Law Enforcement (continued)

(1) a certified copy of the criminal process; (2) a certified copy of the bond or capias; (3) proper credentials from the bondsman showing agency; (4) a pocket card showing completion of necessary training.

Effective date: June 29, 2001

Mayor - Aldermanic Charter

Chapter No. 129 (SB1903/HB1930). Purported validation of incorporations under general law charter. Amends T.C.A. § 6-1-210, part of the general law Mayor-Aldermanic Charter, purportedly to validate incorporations of municipalities under that charter that took place on or before Dec. 31, 1999.

Effective date: April 26, 1999

Metropolitan Government

(See also Business Regulation)

Chapter No. 115 (SB1065/HB463). Urban services district in county in which county seat is not principal city. Amends T.C.A. § 7-2-108(a)(5) to provide that in counties in which the county seat is not the principal or largest city that urban services district may consist of the area of the county seat city and any other area, including that of the principal city, as recommended by the charter commission and adopted.

Effective date: July 1, 2001; repealed on Sept. 1, 2001 if county has not adopted metropolitan government.

Chapter No. 131 (SB1064/HB465). Consolidation of school systems in certain county. Amends T.C.A. § 49-2-1206(a) to allow counties with a metropolitan government in which the principal city is not the county seat to adopt a consolidation plan for school systems with approval of the governing body and all affected school boards.

Effective date: April 26, 2001

Chapter No. 168 (SB1066/HB464). Urban services district in two (2) or more counties. Amends T.C.A. § 7-2-108(c) to allow a special service district to be created when a county adopts a metropolitan government and an urban service district lies in two or more counties. The special service district must be solely for public education. An ad valorem tax must be levied on the portion outside the metropolitan county.

Effective date: May 3, 2001; repealed on Sept. 1, 2001 if the county has not adopted metro government.

Metropolitan Government (continued)

Chapter No. 228 (SB1407/HB1089). Mobile vendors' permits. Amends T.C.A. § 62-30-105 to give the chief of police in metropolitan counties the responsibility of enforcing the provisions of that chapter regulating transitory vendors.

Effective date: July 1, 2001

Motor Vehicles & Traffic

(See also Health & Safety & Utilities)

Chapter No. 2 (SB3/HB126). Computer or electronic displays in utility vehicles. Amends T.C.A. § 55-9-105(b) to permit the use of computer or electronic displays in utility vehicles by utility employees, but only while the vehicle is stopped.

Effective date: March 14, 2001

Chapter No. 50 (SB652/HB411). Funeral processions - on-coming traffic. Amends T.C.A. §55-8-183 to delete subdivision (a)(5), which required on-coming traffic meeting a funeral procession to proceed as normal.

Effective date: July 1, 2001

Chapter No. 60 (SB1279/HB1124). Authorized emergency vehicles - parked or standing. Amends T.C.A. § 55-8-108 to require authorized emergency vehicles when parked or standing to use visual signals meeting requirements of law.

Effective date: April 4, 2001

Chapter No. 73 (SB486/HB751). School buses with or without children to stop at railroad crossings. Amends T.C.A. § 55-8-147(a) to require school buses to stop at railroad crossings whether or not they are carrying a school child.

Effective date: July 1, 2001

Chapter No. 110 (SB1685/HB1407). Commercial vehicle operators - railroad crossing violations. Amends T.C.A. § 55-50-405(a) to require the suspension of commercial drivers' licenses for violations of railroad crossing statutes.

Amends T.C.A. Title 55, Chapter 50, Part 4, to add a new section requiring operators of commercial motor vehicles to slow down and check that a railroad crossing is clear if the driver is not required to stop. This new section also requires the operator to stop if the crossing is not clear, to have sufficient space to drive completely through the crossing without stopping, and to have sufficient undercarriage clearance to negotiate the crossing. Violation of this section is a Class C misdemeanor.

Effective date: April 18, 2001

Motor Vehicles & Traffic (continued)

Chapter No. 186 (SB1029/HB175). Driver education courses. Amends T.C.A. § 55-10-301 to increase allowable fee for providing driver education course from \$50 up to \$175. A municipality offering a course consents to inspection of its course records by the department of safety. County clerks must provide a list of approved courses to any person ordered to attend a driver education course.

Effective date: July 1, 2001

Chapter No. 221 (SB1691/HB1414). Speed limit and minimum on certain controlled access highways. Amends T.C.A. § 55-8-152(c) to set speed limit on controlled access highways with four or more lanes and designated as a state or interstate highway at 70 miles per hour. Maintains minimum speed in left lane at 55 miles per hour.

Effective date: May 15, 2001

Chapter No. 247 (SB776/HB501). Towing of vehicles. Amends T.C.A. § 55-5-122 to provide that this section, which restricts the towing of vehicles on private property, does not restrict the authority of municipalities and metropolitan governments to regulate parking and towing of motor vehicles within their boundaries.

Effective date: May 22, 2001

Chapter No. 252 (SB1296/HB1523). Speed limits on state and interstate highways. Amends T.C.A. § 55-8-152 to allow only the state department of transportation to set speed limits on access-controlled state and interstate highways.

Effective date: July 1, 2001

Chapter No. 292 (SB334/HB1576). Evidence of financial responsibility required after charge for moving violation. Amends T.C.A. § 55-12-139 to require law enforcement officers to request evidence of financial responsibility from a person charged with a moving violation under state law, or a local ordinance regulating traffic, or at the time of an accident causing injury or death or property damage greater than \$50. "Financial responsibility" means documentation of insurance; a certificate of a cash deposit or bond or evidence that the person has qualified as a self-insurer; or evidence that the vehicle was owned by the state, a political subdivision, the United States, or that the vehicle was subject to the jurisdiction of the department of safety or the interstate commerce commission.

Failure to provide evidence of financial responsibility is a Class C misdemeanor punishable by a fine only of not more than \$100.

The commissioner must suspend the driver's license of a person convicted of an offense.

The record of a conviction must be promptly transmitted to the department of safety.

Effective date: Jan. 1, 2002

Motor Vehicles & Traffic (continued)

Chapter No. 308 (SB965/HB1885). Penalty increased for leaving trucks with medical waste in residential areas. Amends T.C.A. § 55-8-162 to increase the penalty for leaving medical waste in trucks in residential areas, or within 1000 feet of a church, school, or park from a fine of \$2,500 to \$5,000 per day. In addition, the driver's license must be suspended for six months. This act applies only to hazardous materials. The act does not apply to utilities.

Effective date: July 1, 2001

Chapter No. 463 (SB1731/HB1559). Child restraints. Amends T.C.A. § 55-9-602(a) to require persons transporting a child between four and eight years old and weighing less than 40 pounds in a motor vehicle to be responsible for proper restraint. Also amends 55-9-602(g) to require persons transporting a child between eight and 15 to be responsible for proper restraint.

Effective date: July 1, 2001

Municipal Authority

Chapter No. 7 (SB1042/HB218). Sullivan County given certain municipal powers. Amends T.C.A. § 5-1-118 to add Sullivan County to the list of counties that may exercise certain municipal powers.

Effective date: March 15, 2001

Personnel

(See also Retirement and Workers' Compensation)

Chapter No. 82 (SB1676/HB1435). Unemployment compensation - wages and back pay. Amends T.C.A. § 50-7-213(a) to include salary reduction plans under §§ 403(b) and 457 of the Internal Revenue Code within the definition of "wages" for unemployment compensation purposes.

Amends T.C.A. § 50-7-303(e) to include back pay awards within definition of "wages" and to require employers to report whether the award was arrived at by subtracting the amount of unemployment compensation benefits received from the final award. The employer must reimburse the employment security fund for any overpayment of benefits.

Amends T.C.A. § 50-7-404(c) to require the first notice to an employer to file a report to be written and mailed to the employer's last known address rather than being sent by registered mail. Allows 30 days, rather than 15, after which commissioner must notify employer of assessment if employer fails to respond. Requires notice to employer to be by certified rather than registered mail.

Effective date: April 11, 2001

Personnel (continued)

Chapter No. 359 (SB479/HB248). Personal interest in probation entity prohibited Amends T.C.A. § 40-35-302 to prohibit any governmental employee and the employee's immediate family from having a direct or indirect personal interest in a private entity that provides probation supervisory services. Also prohibits the receipt of anything of value from such an entity. It is also an offense for any such entity to give or offer anything of value to a government employee or the employee's immediate family. A violation is a Class C misdemeanor.

Effective date: July 1, 2001

Chapter No. 378 (SB1672/HB1395). Child labor Amends T.C.A. § 50-5-103 to make it a Class D felony illegally to employ a child under 14 years of age.

Amends T.C.A. § 50-5-109 to allow a minor to show his/her age to an employer by passport, driver's license, state issued identification, or by oath of parents in juvenile court, in addition to producing a birth certificate.

Amends T.C.A. § 50-5-112(a) to allow civil penalties against employers of at least \$150 but not more than \$1,000 for violating child labor provisions. Allows civil penalties of \$1,000 to \$10,000 for each instance of illegally employing a minor under 14 years of age. Makes violation of youth peddling provisions a Class D felony.

Effective date: July 1, 2001

Chapter No. 379 (SB1673/HB1396). Unemployment premium rate tables modified Amends T.C.A. § 50-7-403 to reduce from 10 to six the number of premiums rate tables for unemployment compensation insurance. Changes trigger level for increments from \$50 million to \$75 million. Eliminating some premium tables will accelerate payments to the trust fund if the fund falls below \$750 million. Otherwise, there will be no impact. The fund should remain above \$750 million through Dec. 31, 2003.

Effective date: July 1, 2001

Chapter No. 411 (SBB1366/HB1603). Union dues check-off for firefighters Amends T.C.A. § 7-51-204 to require municipalities with regular full-time firefighters to deduct union and association dues from paychecks when the union or association certifies that it represents 40 percent or more of those eligible. Amounts deducted must be remitted to the union within 30 days. Deductions must continue until 30 days after an employee revokes authorization in writing.

Effective date: June 20, 2001

Chapter No. 441 (SB413/HB745). Maximum unemployment compensation benefits increased Amends T.C.A. § 50-7-301(b) to increase the maximum weekly benefit for unemployment compensation in increments from \$255 to \$275.

Effective date: July 18, 2001

Planning & Zoning

Chapter No. 265 (SB250/HB252). Transfers of development rights allowed statewide.

Amends T.C.A. § 13-7-201(a)(2) to delete item (d), which restricted that section allowing the transfer of development rights to metropolitan governments.

Amends § 13-7-201(a)(2)(A) to delete a requirement that the area of the receiving property be equal to or greater than the area donating the rights.

Allows municipalities, counties, metropolitan governments, the state, and non-profit conservation organizations to receive through gift or testamentary disposition development rights without allocating them to any property under their ownership or control and notwithstanding local zoning regulations pertaining to required ratios of receiving to donating property or of the total amount of density a receiving property may obtain from a donating property.

Effective date: May 22, 2001

Chapter No. 295 (SB1811/HB1703). Review of plat approvals in Knox County. Amends T.C.A. § 13-3-404 to allow any party for or against a plat request before the regional planning commission to appeal the plat's approval or disapproval to the municipal legislative body having jurisdiction in Knox County. The legislative body must by a majority vote approve or disapprove the plat. No plat may be recorded until after the legislative body has acted on a request for review. The request for review must be made within 30 days after the plat's approval or disapproval by the planning commission.

Effective date: May 22, 2001

Chapter No. 409 (SB1978/HB1987). Conditional zoning in Blount County. Amends T.C.A. § 13-7-201 to allow conditional or contract zoning by municipalities in Blount County by a 2/3 vote of the governing body. The agreed conditions must ameliorate injuries to surrounding property or municipal interests.

Effective date: June 19, 2001

Records

Chapter No. 259 (SB1473/HB867). Information that would allow unauthorized access made confidential. Amends T.C.A. § 10-7-504 to make confidential any information that would allow a person unauthorized access to confidential information or government property. "Government property" means computers, communications systems, or telecommunication systems.

Records that are confidential are security codes, plans, passwords, combinations, or computer programs used to protect electronic information and government property. They also include information that would identify structural or operational vulnerabilities and would permit unlawful disruption of government services or property.

Records (continued)

Information made confidential by this act must be redacted or deleted and the rest of the record made available.

Documents concerning cost of protecting government property or the identity of vendors are not confidential.

This act also provides that credit card numbers and personal identification numbers of persons doing business with the state or political subdivisions are confidential.

Effective date: May 22, 2001

Chapter No. 401 (SB984/HB524). Release of child sexual abuse records to attorneys.

Amends T.C.A. § 37-1-612(c) to allow records of child sexual abuse to be released to an attorney or next friend for the purposes of recovering damages in a civil action.

Effective date: June 19, 2001

Recreation

Chapter No. 311 (SB1633/HB1356). Permit fees for public swimming pools increased.

Amends T.C.A. § 68-14-214(a) to increase the permit fees for public swimming pools to:

<u>July, 2001</u>	<u>July, 2002</u>	<u>July, 2003</u>
\$150	\$220	\$340

If a permit fee is delinquent for more than 30 days or is paid by bad check, a penalty of one-half the permit fee will be added.

Effective date: May 30, 2001

Retirement

Chapter No. 58 (SB892/HB717). Retirement - deferred compensation plans.

Amends T.C.A. Title 8, Chapter 25, Part 1, to provide procedures for responding to a subpoena duces tecum by a person or entity administering or providing services to a deferred compensation plan for municipal employees.

This act also makes changes to TCRS provisions relative to death of a member and disability retirement.

Effective date: April 4, 2001

Retirement (continued)

Chapter No. 305 (SB322/HB981). Cash withdrawals for members of optional retirement programs. Amends T.C.A. Title 8, Chapter 35, Part 4, to allow employees retiring or terminating employment who participate in an optional retirement program to receive a cash withdrawal of up to 50 percent of the employee's account if permitted by the optional program and if the employee begins using a lifetime distribution from the remainder. An employee receiving a cash withdrawal may not reestablish the withdrawn amount or any period of service the amount represents in the optional retirement system or TCRS.

Effective date: May 30, 2001

Chapter No. 446 (SB1324/HB749). Death benefits under TCRS. Amends T.C.A. § 8-36-108 to raise provisions on in-line of duty death benefits payable under TCRS.

Effective date: July 18, 2001

Streets & Public Ways

Chapter No. 315 (SB1887/HB1914). Railroad crossings. Amends T.C.A. § 65-11-101 to require plans for proposed public railroad crossings or conversions of private to public crossings on state highways to be submitted to the department of transportation. The department must submit the plans to the affected local government for review and comment before the department approves or disapproves the plans.

The department must set standards for construction or conversion of grade crossings.

*Effective date: May 30, 2001;
Rules take effect March 1, 2001*

Taxes - Business

Chapter No. 273 (SB1518/HB705). Credit for personal property taxes in certain circumstances. Amends T.C.A. § 67-4-713(a)(6)(C), which authorizes a credit for personal property taxes on personal property transferred to a governmental entity under certain circumstances, to allow the item to take effect unless "not affirmatively rejected" by the municipal or county governing body by a 2/3 vote. This is made retroactive to Jan. 1, 1999 relative to agreements in effect on that date.

Effective date: May 22, 2001

Taxes--General

Chapter No. 318 (SB1495/HB623). Joint tax committee created Amends T.C.A. Title 3, Chapter 15, to create a joint select committee of the General Assembly to study business taxes.

Effective date: May 30, 2001;

Repealed June 30, 2009

Chapter No. 344 (SB1973/HB2006). Car rental tax in Shelby County for NBA team Amends T.C.A. Title 67, Chapter 4, Part 19, to allow Shelby County to levy a two percent car rental tax to be used to pay bonded debt of county and a participating city for construction of an NBA arena. Requires local approval by county before Jan. 1, 2002.

Effective date: June 5, 2001

Chapter No. 365 (SB622/HB655). Break on state-shared revenue decrease for Millington Amends T.C.A. Title 6, Chapter 56, Part 1, to reduce the decrease in state-shared revenues accruing to a municipality that lost 35 percent or more of its population between the 1990 and 2000 federal censuses because of the closing of federal military installations or otherwise. Reductions are in increments of 25 percent of the amount these revenues would otherwise have decreased until the July 1, 2004 fiscal year, in which the decrease is fully implemented. This act does not prohibit affected municipalities from having special censuses as otherwise provided by law.

Effective date: June 7, 2001

Taxes--Hotel-Motel

Chapter No. 324 (SB1814/HB1685). Municipalities in Dickson County allowed to levy hotel-motel tax Amends T.C.A. § 67-4-1425(d) to allow municipalities in Dickson County to levy a hotel-motel tax regardless of the restrictions in that section.

Effective date: June 12, 2001

Taxes--In lieu of

Chapter No. 339 (SB459/HB876). Payments in lieu of taxes -- conditions and term limitation Amends T.C.A. § 7-53-305(b) to require each in lieu of tax payment agreement to have a cost-benefit analysis attached as required by the commissioner of economic and community development. This act also limits these agreements to 20 years, including extensions, unless both the commissioner and the comptroller have made a written determination that the agreement is in the best interest of the state. This act does not apply to agreements made before Jan. 1, 2002.

Effective date: June 5, 2001

Taxes--Property

Chapter No. 104 (SB1507/HB1732). Suit for delinquent taxes. Amends T.C.A. § 67-5-2405 to require the county delinquent tax attorney to bring suit in the name of the county, rather than the state, in the county's behalf and for the benefit of any municipality that has certified a delinquent tax list.

Effective date: April 18, 2001

Chapter No. 152 (SB1068/HB1731). Tax break for greenbelt land; tax shifts to residential owners. Amends T.C.A. § 67-5-1008 to cap the amount greenbelt land can increase in value because of a reappraisal at seven percent times the number of years since the latest reappraisal for 2001 and six percent for 2002 and subsequent years. These losses in revenue from this tax break for greenbelt land will be regained through increases in certified tax rates.

Amends T.C.A. §§ 67-5-1005 and 1006 and 1007 to require an application for greenbelt status to be filed by March 1 rather than April 1.

Amends T.C.A. § 67-5-1008 to change valuation of greenbelt land from land schedule value to farmland value as determined by the division of property assessments.

Amends T.C.A. § 67-5-1008(d)(2) to provide that rollback taxes are payable from the date written notice is provided by the assessor but are not delinquent until the following March 1. The assessor must give notice of disqualification of land to the property owner, seller, and tax collecting officials. Rollback taxes are a first lien on the property and a personal responsibility of the owner or seller. The assessor may void the rollback assessment if it was in error. Liability for rollback taxes is appealable to the state board of equalization by March 1 of the year following notice.

*Effective date: tax year 2001; provisions
changing application date take effect
Jan. 1, 2002*

Chapter No. 167 (SB14/HB290). Due date for military personnel. Repeals T.C.A. § 65-5-2011, which delayed due date for taxes for military personnel on active duty until 90 days after end of hostilities or 90 days until after the person was transferred from area of hostilities.

Effective date: July 1, 2001

Chapter No. 176 (SB1506/HB1826). Back assessments and reassessments. Repeals T.C.A. § 67-1-1003(a), which prohibited back assessments and reassessments unless property had entirely escaped assessment or was inadequately assessed because of taxpayer fraud.

Amends T.C.A. § 67-1-1003(b) to provide for appeals from a municipal board of equalization just as appeals are taken from county boards of equalization.

Effective date: July 1, 2001

Taxes–Property (continued)

Chapter No. 195 (SB1484/HB864). Interstate telecommunication sales tax; property tax relief for telecommunication utilities. Amends T.C.A. § 67-7-221 to enact a sales tax at a rate of 7.5 percent on interstate telecommunication services sold to businesses. Revenues from .5 percent will be used for K-12 education. Revenues from .5 percent will be distributed to municipalities and counties based upon population. These funds must be used as local sales tax revenues are used. Revenues from four percent will be used for ad valorem tax reduction payments to telecommunication utilities. Other revenue accrues to the state general fund.

On or before May 15, 2003, and every year afterwards, telephone utilities entitled to tax equity payments will notify the comptroller, who administers the tax equity fund and makes the payments.

Effective date: Sales tax and tax relief provisions take effect Jan. 1, 2002; other provisions on May 10, 2001.

Chapter No. 385 (SB1624/HB1590). Private act hospital authorities - tax exemption. Exempts private act hospital authorities from all county and municipal taxes. Requires the authority to pay all county and municipal fees. The authority may agree to make tax equivalent payments.

Effective date: June 28, 2001

Chapter No. 448 (SB1808/HB1873). Personal property located on residential rental property. Amends T.C.A. § 67-5-901 to provide that tangible personal property located on residential real property used for overnight rentals must be classified as other tangible personal property and not as commercial property if the owner owns fewer than three overnight rental properties.

Effective date: July 18, 2001

Chapter No. 454 (SB1475/HB1283). Property tax deferral; application of litigation tax. Amends T.C.A. §§ 7-64-103 and 7-64-212 to require applications for property tax deferral to be made on or before March 1 unless the county or municipality has fixed a later date by resolution.

Amends T.C.A. §§ 7-64-106 and 7-64-208 to require the state Board of Equalization to hear appeals if the board receives notice within 45 days of the date written notice is sent of the action subject to appeal.

Amends T.C.A. § 67-4-602 to provide that the litigation tax applies “on all criminal charges, upon conviction or by order.” Also provides that the litigation tax is in addition to the privilege tax provided for general sessions courts if the city court is exercising concurrent criminal jurisdiction.

Effective date: June 7, 2001

Tort Liability

Chapter No. 419 (SB1013/HB1555). Personal immunity restored for paramedics and emergency medical technicians. Amends T.C.A. § 29-20-310(b) and (c) to define “health care practitioner” as including only doctors and nurses. The effect of this is to restore personal immunity from liability for EMT’s, paramedics, and others who might have been considered health care practitioners.

Effective date: June 27, 2001

Chapter No. 424(SB1347/HB1184). Tort liability limits increased; catastrophic injury fund commission created. Amends T.C.A. § 29-20-403 to increase tort liability limits for local governments as follows:

For causes of action arising on or after July 1, 2002, but before July 1, 2007.

One person	One accident	Property damage per accident
\$250,000	\$600,000	\$85,000

For causes of action arising on or after July 1, 2007.

One person	One accident	Property damage per accident
\$300,000	\$700,000	\$100,000

This act also creates a commission to develop and propose catastrophic injury fund legislation. The commission will consist of four members chosen from eight nominees submitted by local government interests, four members chosen from eight nominees submitted by the Tennessee Trial Lawyers Association, the state’s constitutional officers (comptroller, treasurer, secretary of state), and the chairs of the state and local government, judiciary, and finance ways and means committees. The commission must propose legislation by July 1, 2006.

Effective date: June 27, 2001

Uniform City Manager-Commission Charter

(See also Elections)

Chapter No. 1 (SB5/HB108). Eligibility to run for commissioner. Amends T.C.A. § 6-20-103, part of the Uniform City Manager-Commission Charter, to provide that a person who is eligible to vote in city elections solely by non-resident ownership of property is not eligible for election as a commissioner.

Effective date: Feb. 20, 2001

Tort Liability (continued)

Chapter No. 141 (SB638/HB1634). Salaries of mayor and commissioners. Amends T.C.A. § 6-20-204, part of the Uniform City Manager-Commission Charter, to allow the salaries of the mayor and commissioners to be established annually in the operating budget, but prohibits salary increases or decreases during the term for which the officials are elected.

To become operative, this act must be approved by a 2/3 vote of the board of commissioners.

Effective date: April 26, 2001

Utilities

(See also Business Regulation & Motor Vehicles & Traffic)

Chapter No. 2 (SB3/HB 126). Computer or electronic displays in utility vehicles. Amends T.C.A. § 55-9-105(b) to permit the use of computer or electronic displays in utility vehicles by utility employees, but only while the vehicle is stopped.

Effective date: March 14, 2001

Chapter No. 27 (SB1282/HB1824). Rates of interexchange carriers deregulated. Amends T.C.A. § 65-4-101(a) to exclude interexchange carriers from utilities whose rates are regulated by the Tennessee Regulatory Authority.

Effective date: March 22, 2001

Chapter No. 119 (SB179/HB291). Stormwater management fees. Amends T.C.A. §§ 68-221-1101 and 1102 to allow all municipalities, not just those with a population of 75,000 or more, to levy fees for the privilege of discharging stormwater. This act also allows counties to levy these fees outside municipal jurisdictions.

Effective date: April 26, 2001

Chapter No. 185 (SB1879/HB1458). Energy acquisition corporations - engineering services. Amends T.C.A. § 7-39-302(a)(12) to require engineering services provided by energy acquisition corporations to be in compliance with Title 62, Chapter 2.

Effective date: July 1, 2001

Chapter No. 307 (SB582/HB1287). Committee to study natural gas and oil and energy development, etc., extended. Amends Chapter No. 241 of the Public Acts of 1999 to continue the special legislative committee studying natural gas and oil and to extend its jurisdiction to include transmission of energy. The committee, which was to end Feb. 1, 2001, is extended to Feb. 1, 2003.

Effective date: May 30, 2001

Utilities (continued)

Chapter No. 421 (SB1750/HB1500). Committee on rural water supply created. Creates a special joint legislative committee to study rural water systems. The committee must file its report with the General Assembly by Feb. 1, 2003. Then it is dissolved.

Effective date: June 27, 2001

Weapons

Chapter No. 345 (SB193/HB227). Firearms illegal where beer or intoxicating liquor served for on-premises consumption. Amends T.C.A. § 39-17-1305(a) to clarify that it is a Class A misdemeanor for persons to possess a firearm where beer or intoxicating liquor is served for on-premises consumption.

Effective date: July 1, 2001

Chapter No. 375 (SB812/HB1095). Explosive weapons and hoax devices. Amends T.C.A. §§ 39-17-1301 and 1302 to expand the definition of explosive devices to include breakable containers containing inflammable liquid with a wick for ignition and sealed devices containing dry ice or other reactive chemicals that could explode. Defines hoax device as one that reasonably appears to be explosive or incendiary. Makes the possession, manufacture, transport, repair, or sale of hoax devices a Class A misdemeanor.

Effective date: July 1, 2001

Workers' Compensation

Chapter No. 114 (SB138/HB130). Chiropractor on workers' compensation panel for private employers -- repeal extended. Amends Chapter No. 990 of the Public Acts of 2000 to extend the date before repeal of that provision, which requires a chiropractor on the panel of physicians for private employers, from Dec. 31, 2001 to July 1, 2003.

Effective date: April 18, 2001

Chapter No. 117 (SB1436/HB894). Appeals panel. Amends T.C.A. § 50-6-225(e)(3) to require at least one member of the special workers' compensation appeals panel to be a member of the Supreme Court. The previous requirement was that at least two must be members of the Supreme Court or retired judges.

Effective date: April 18, 2001

Workers' Compensation (continued)

Chapter No. 160 (SB1403/HB1084). Notice to parents of minors' drug test results. Amends T.C.A. § 50-9-109, part of the Drug-free Workplace Act, to require covered employers to notify the parents or legal guardians of a minor's drug or alcohol testing results. Protects employer from liability for this disclosure.

Amends T.C.A. § 50-9-105 to require the notice required by that section to inform minors that their parents or guardians will be notified of test results.

Effective date: July 1, 2001

Chapter No. 148 (SB337/HB853). Residential medical care. Amends T.C.A. § 50-6-123 to exclude medical treatment or therapy provided at home under workers' compensation from regulation as home health services when the treatment or therapy is provided under direction of the attending physician and is provided by a licensed provider who routinely provides services at the place of employment or by a licensed therapist practicing independently of a home health agency.

Effective date: May 3, 2001

Chapter No. 192 (SB1188/HB619). Special committees on workers' compensation. Amends T.C.A. § 50-6-130(e) to continue the special joint committee on workers' compensation until June 30, 2007.

Amends T.C.A. § 50-6-121(a)(2) to increase attorney representation on the advisory council on workers' compensation from two to three nonvoting members. Attorneys are to be chosen from lists submitted by the Tennessee Trial Lawyers Association, Tennessee Defense Lawyers Association, and the Tennessee Bar Association.

Amends T.C.A. § 50-6-238(d) to require a penalty to be assessed against insurers, self-insured employers, and self-insured pools of \$10,000 if they fail to comply with an order of a workers' comp specialist within 15 calendar days. After receipt of the notice, the insurer, employer, or pool has five days to prove it has complied with the specialist's order. Further penalty of \$1,000 per day accrues if the insurer, employer, or pool has not proved its compliance by the 21st day. The penalty may be appealed.

Effective date: July 1, 2001

Chapter No. 219 (SB1404/HB1644). Notice of gradual injury. Amends T.C.A. § 50-6-201 to require an employee or the employee's representative to give notice to the employer of injury resulting from gradual or cumulative trauma within 30 days after the employee (1) knows or reasonably should know that he or she has suffered a work-related injury that resulted in permanent impairment or (2) is unable to work as a result of a work-related injury.

Effective date: July 1, 2001

Workers' Compensation (continued)

Chapter No. 244 (SB273/HB771). Person with settlement authority to be at benefit review conference. Amends T.C.A. § 50-6-237 to require employers or insurers to have someone with the authority to settle the case at benefit review conferences. Failure to do so is punishable by a penalty of \$50 to \$5,000.

Effective date: July 1, 2001

Chapter No. 246 (HB635/HB1214). Panel of physicians--association in practice for orthopedic or neuroscience doctors. Amends T.C.A. § 50-6-204(a)(4) to allow the employer to appoint a panel of five physicians with up to four affiliated in practice, for injuries requiring an orthopedic or neuroscience practitioner. The employee is entitled to a second opinion from the same panel.

Effective date: May 22, 2001

Chapter No. 366 (SB392/HB743). Settlement of second injury fund cases. Amends T.C.A. § 50-6-208 to require final settlements of second injury fund cases to have the written approval of the commissioner of labor and workforce development or designee or to have the written approval of the governor and comptroller to be settled by the attorney general. The attorney general, with the written approval of the governor and comptroller, must set specific limits and conditions on settlement authority of the commissioner of labor and workforce development.

Effective date: June 7, 2001

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